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EXAMINER

SHERR, CRISTINA O

ART UNIT      PAPER NUMBER

3621

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

<b>Application No.</b> 09/944,501	<b>Applicant(s)</b> KON ET AL.	
<b>Examiner</b> Cristina Owen Sherr	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 30 August 2001.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-27 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 02/27/05.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This communication is in response to the application filed August 30, 2001.

Claims 1-27 have been examined in this case.

***Priority***

2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Japan on August 31, 2000. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the specification does not acknowledge the filing of any foreign application. A new specification is required in the body of which the present application should be identified by application number and filing date.

***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

4. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

5. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al (US 6,256,737).

7. Regarding claim 1 (as best understood)–

Bianco discloses a person authentication application data processing system for performing a person authentication process based on a verification process between a template extracted from a person identification certificate in which the template (104, col 3 ln 1-5, "compared measurements of unique personal characteristics") which is person

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identification data of an individual user who uses an information processing apparatus and user input sampling information, said person authentication application data processing system comprising:

an information processing apparatus as a person authentication execution entity (e.g. col 3 ln 7-17, "administration station"); and

a person identification certificate authority as a person identification certificate issuing entity (e.g. col 3 ln 33-40, "certificate authority system", 104),

wherein said information processing apparatus performs a process of retrieving a person identification certificate used for a person authentication process based on user input information, and outputs a request for issuing a person identification certificate to the person identification certificate authority when a person identification certificate corresponding to the user input information cannot be extracted (e.g. col 16 ln 5-20, "'switchboard object receives the request, via comm. object, and creates receiver object')

said person identification certificate authority creates a person identification certificate in which an encrypted template which can be decrypted in said information processing apparatus and performs an issuing process for the information processing apparatus (e.g. col 54 ln 10-28, " digital certificate from a certificate authority"), and

said information processing apparatus performs a process for storing the person identification certificate issued from said person identification certificate authority in the storage means of the information processing apparatus (e.g. col 54 ln 10-28, "encrypted digital certificate containing . . . identification information").

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8. Bianco does not use the same steps in the same order as the instant application. Mere re-ordering of steps, however, would be obvious to one of ordinary skill in the art and thus does not confer patentability.

9. Regarding claim 2 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein, in the process for storing the newly obtained person identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and stores the pair information in the storage means (e.g. col 54 ln 20-30).

10. Regarding claim 3 –

Bianco discloses a person authentication application data processing system according to Claim 1, further comprising a certificate authority as a public key certificate issuing entity, wherein, said information processing apparatus performs a process for retrieving a public key certificate used during data communication with an external apparatus with stored data of the storage means of the information processing apparatus being used as the retrieval target on the basis of the user input information, creates a pair of a public key and a secret key when the applicable public key certificate cannot be extracted, transmits the created public key to the certificate authority which is the issuing entity of the public key certificate and makes a request for issuing a person

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identification certificate, said certificate authority performs a process for issuing a public key certificate corresponding to an individual user or a public key certificate corresponding to said information processing apparatus, and said information processing apparatus performs a process for storing the public key certificate issued from said certificate authority in the storage means of the information processing apparatus (e.g. col 54 ln 20-30).

11. Regarding claim 4 –

Bianco discloses a person authentication application data processing system according to Claim 3, wherein, in the process for storing the newly obtained person identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and stores the pair information in the storage means (e.g. col 2 ln 50-60).

12. Regarding claim 5 –

Bianco discloses a person authentication application data processing system according to Claim 3, wherein, in the process for storing the newly obtained person identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for

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creating pair information of identifiers of each certificate, stores the pair information in the storage means, and registers together a process identifier which identifies a process such as services to be used (e.g. col 55 ln 45-60).

13. Regarding claim 6 –

Bianco discloses a person authentication application data processing system according to Claim 1, further comprising a service distribution construction in which various services such as content distribution can be received from a service provider under the control of a service registration server on the condition of user registration for the service registration server, wherein said information processing apparatus performs a person authentication process based on a verification process between the template extracted from the person identification certificate in which the template which is person identification data of an individual user who uses the information processing apparatus is stored and user input sampling information and performs user registration for said service registration server on the condition that person authentication is established (e.g. col 55 ln 45-60).

14. Regarding claim 7 –

Bianco discloses a person authentication application data processing system according to Claim 1, further comprising a service distribution construction in which various services such as content distribution can be received from a service provider under the control of the service registration server on the condition of user registration for the service registration server, wherein said information processing apparatus performs mutual authentication with said service provider by using a public key certificate



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corresponding to an individual user or a public key certificate corresponding to said information processing apparatus in a process for receiving service distribution from said service provider, and said service provider provides services for said information processing apparatus on the condition that it is confirmed that the public key certificate used for said mutual authentication corresponds to an authorized user or device registered in said service registration server and said mutual authentication is established (e.g. abstract, col 3 ln 33-40).

15. Regarding claim 8 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate authority as a person identification certificate issuing entity is performed on the condition that the mutual authentication process is established (e.g. abstract, col 2 ln 53 – col 3 ln 5).

16. Regarding claim 9 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein, for data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate authority as a person identification certificate issuing entity, a data transmission part performs a process for creating an electronic signature for transmission data, and a receiving part performs a process for verifying the electronic signature (e.g. col 55 ln 47-57).

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17. Regarding claim 10 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein an encryption key used to encrypt the template stored in the person identification certificate issued from said person identification certificate authority is a public key which is set for said information processing apparatus or an individual user (e.g. col 55 ln 37-45).

18. Regarding claim 11 –

Bianco discloses a person authentication application data processing system according to Claim 1, wherein said template is biometric information of a person such as fingerprint information, retina pattern information, iris pattern information, voice print information, and handwriting information, or a non-biometric information such as a seal, a passport, a driver's license, and a card, or any combination of two or more of the biometric information and the non-biometric information, or a combination of any of the information and a password (e.g. abstract).

19. Regarding claim 12 –

Bianco discloses a person authentication application data processing method for performing a person authentication process based on a verification process between a template extracted from a person identification certificate in which a template which is person identification data of an individual user who uses an information processing apparatus and user input sampling information, said person authentication application data processing method comprising (104, col 3 ln 1-5, "compared measurements of unique personal characteristics") ;

a step for providing an information processing apparatus as a person authentication execution entity and a person identification certificate authority as a person identification certificate issuing entity; (e.g. col 3 ln 7-17, "administration station");

a step in which said information processing apparatus performs a process of retrieving a person identification certificate used for a person authentication process based on user input information, and outputs a request for issuing a person identification certificate to the person identification certificate authority which is a person identification certificate issuing entity when a person identification certificate corresponding to the user input information cannot be extracted (e.g. col 16 ln 5-20, "'switchboard object receives the request, via comm. object, and creates receiver object')

a step in which said person identification certificate authority creates a person identification certificate in which an encoded template which can be decrypted in said information processing apparatus is stored and performs an issuing process for the information processing apparatus (e.g. col 54 ln 10-28, " digital certificate from a certificate authority"); and

a step in which said information processing apparatus performs a process for storing the person identification certificate issued from said person identification certificate authority in the storage means of the information processing apparatus (e.g. col 54 ln 10-28, "encrypted digital certificate containing . . . identification information").

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20. Bianco does not use the same steps in the same order as the instant application. Mere re-ordering of steps, however, would be obvious to one of ordinary skill in the art and thus does not confer patentability.

21. Regarding claim 13 –

Bianco discloses a person authentication application data processing method according to Claim 12, wherein, in the process for storing the newly obtained personal identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and storing the pair information in the storage means (e.g. col 54 ln 20-30).

22. Regarding claim 14 –

Bianco discloses a person authentication application data processing method according to Claim 12, further comprising:

a step for providing a certificate authority as a public key certificate issuing entity;

a step in which said information processing apparatus performs a process for retrieving a public key certificate used during data communication with an external apparatus with stored data of the storage means of the information processing apparatus being used as the retrieval target on the basis of the user input information, creates a pair of a public key and a secret key when the corresponding public key certificate cannot be

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extracted, transmits the created public key to the certificate authority which is the issuing entity of the public key certificate;

a step in which said certificate authority performs a process for issuing a public key certificate corresponding to an individual user or a public key certificate corresponding to said information processing apparatus; and

a step in which said information processing apparatus performs a process for storing the public key certificate issued from said certificate authority in the storage means of the information processing apparatus (e.g. col 54 ln 20-30).

23. Regarding claim 15 –

Bianco discloses a person authentication application data processing method according to Claim 14, wherein, in the process for storing the newly obtained personal identification certificate in the storage mean, when said newly obtained personal identification certificate is a personal identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and for storing the pair information in the storage means (e.g. col 2 ln 50-60).

24. Regarding claim 16 –

Bianco discloses a person authentication application data processing method according to Claim 14, wherein, in the process for storing the newly obtained personal identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same

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user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate, storing the pair information in the storage means, and registering together a process identifier which identifies a process such as services to be used (e.g. col 55 ln 45-60).

25. Regarding claim 17 –

Bianco discloses a person authentication application data processing method according to Claim 12, further comprising: a step for providing a service distribution construction in which various services such as content distribution can be received from a service provider under the control of a service registration server on the condition of user registration for the service registration server; and a step in which said information processing apparatus performs a person authentication process based on a verification process between a template extracted from the person identification certificate in which the template which is person identification data of an individual user who uses the information processing apparatus is stored and the user input sampling information, and performs user registration for said service registration server on the condition that person authentication is established (e.g. col 55 ln 45-60).

26. Regarding claim 18 –

Bianco discloses a person authentication application data processing method according to Claim 12, further comprising: a step for providing a service distribution construction in which various services such as content distribution can be received from a service provider under the control of a service registration server on the condition of user

registration for the service registration server; a step in which, in a process for receiving service distribution from said service provider, said information processing apparatus performs mutual authentication with said service provider by using a public key certificate corresponding to an individual user who uses the information processing apparatus or a public key certificate corresponding to said information processing apparatus; and a step in which said service provider provides services for said information processing apparatus on the condition that it is confirmed that the public key certificate used for said mutual authentication corresponds to an authorized user or device registered in said service registration server and said mutual authentication is established (e.g. abstract, col 2 ln 53 – col 3 ln 5).

27. Regarding claim 19 –

Bianco discloses a person authentication application data processing method according to Claim 12, wherein data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate authority as a person identification certificate issuing entity is performed on the condition that the mutual authentication process is established (e.g. abstract, col 2 ln 53 – col 3 ln 5).

28. Regarding claim 20 –

Bianco discloses a person authentication application data processing method according to Claim 12, wherein, for data communication between said information processing apparatus as a person authentication execution entity and the person identification certificate authority as a person identification certificate issuing entity, a data

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transmission part performs a process for creating an electronic signature for transmission data, and a receiving part performs a process for verifying the electronic signature (e.g. col 55 ln 47-57).

29. Regarding claim 21 –

Bianco discloses a person authentication application data processing method according to Claim 12, wherein an encryption key used to encrypt the template stored in the person identification certificate issued from said person identification certificate authority is a public key which is set for said information processing apparatus or an individual user (e.g. col 55 ln 37-45).

30. Regarding claim 22 –

Bianco discloses an information processing apparatus for performing a person authentication process based on a verification process between a template extracted from a person identification certificate in which the template which is person identification data of an individual user who uses the information processing apparatus is stored and user input sampling information wherein said information processing apparatus performs a process for retrieving a person identification certificate used for a person authentication process based on user input information with stored data of the information processing apparatus being used as the retrieval target(104, col 3 ln 1-5, “compared measurements of unique personal characteristics”), outputs a request for issuing a person identification certificate to a person identification certificate authority which is a person identification certificate issuing entity when a person identification certificate corresponding to the user input information cannot be extracted (e.g. col 16 ln



5-20, "switchboard object receives the request, via comm. object, and creates receiver object'), and stores the person identification certificate issued from the person identification certificate authority in the storage means of the information processing apparatus (e.g. col 54 In 10-28, "encrypted digital certificate containing . . . identification information").

31. Bianco does not use the same steps in the same order as the instant application. Mere re-ordering of steps, however, would be obvious to one of ordinary skill in the art and thus does not confer patentability.

32. Regarding claim 23 –

Bianco discloses an information processing apparatus according to Claim 22, wherein, in the process for storing the newly obtained personal identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and for storing the pair information in the storage means (e.g. col 54 In 20-30).

33. Regarding claim 24 –

Bianco discloses an information processing apparatus according to Claim 22, wherein said information processing apparatus performs a process for retrieving a public key certificate used for data communication with an external apparatus with stored data of the storage means of the information processing apparatus being used as the retrieval

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target on the basis of user input information, creates a pair of a public key and a secret key when a corresponding public key certificate cannot be extracted, transmits the created public key to the certificate authority which is a public key certificate issuing entity, makes a request for issuing a public key certificate, and performs a process for storing the public key certificate issued from said certificate authority in the storage means of the information processing apparatus (e.g. col 54 ln 20-30).

34. Bianco discloses an information processing apparatus according to Claim 24, wherein, in the process for storing the newly obtained personal identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate and stores the pair information in the storage means (e.g. col 54 ln 20-30).

35. Regarding claim 26 –

Bianco discloses an information processing apparatus according to Claim 24, wherein, in the process for storing the newly obtained personal identification certificate in the storage means, when said newly obtained person identification certificate is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus, said information processing apparatus performs a process for creating pair information of identifiers of each certificate, stores the pair information in the storage means, and

registers together a process identifier which identifies a process such as services to be used (e.g. col 55 ln 45-60).

36. Regarding claim 27 –

Bianco discloses a program providing medium for providing a computer program for causing a person application authentication data process for performing a person authentication process to be performed in a computer system based on a verification process between a template extracted from a person identification certificate in which the template which is person identification data of an individual user who uses an information processing apparatus and user input sampling information (104, col 3 ln 1-5, “compared measurements of unique personal characteristics”), said computer program comprising:

a step for retrieving a person identification certificate used for a person authentication process based on the user input information (e.g. col 16 ln 5-20, “switchboard object receives the request, via comm. object, and creates receiver object’);

a step for outputting a request for issuing a person identification certificate to a person identification certificate authority which is a person identification certificate issuing entity when a person identification certificate corresponding to the user input information cannot be extracted (e.g. col 16 ln 5-20, “switchboard object receives the request, via comm. object, and creates receiver object’);

a step for creating pair information of identifiers of each certificate when said person identification certificate issued from said person identification certificate authority

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is a person identification certificate corresponding to the same user for an existing public key certificate which has already been stored in said information processing apparatus (e.g. col 54 In 10-28, " digital certificate from a certificate authority"); and a step for storing the pair information in the storage means (e.g. col 54 In 10-28, "encrypted digital certificate containing . . . identification information").

37. Bianco does not use the same steps in the same order as the instant application. Mere re-ordering of steps, however, would be obvious to one of ordinary skill in the art and thus does not confer patentability.

38. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

40. Matchett et al (US 5,229,764) discloses a continuous biometric authentication matrix.

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41. Musgrave et al (US 6,505,193) discloses a system and method of fast biometric database searching using digital certificates.

42. Marckini et al (US 5,907,149) disclose an identification card with delimited usage.

43. Ohtsuki et al (US 5,831,547) disclose a wireless card system.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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